

**R.C.S. No.13/2021**

I.A.No.1/2021

Prashant Bhagawan Kolge

Vs. Rajendra Manohar

Kolge.

**Order below Exh.16.**

(Passed on 27.11.2021)

The present application is filed by the defendant No.2 for condonation of delay for filing say and written statement. It is the contention of defendant that, due to illness he was unable to remain present before the court and could not contacted his advocate and therefore delay is caused. The delay caused is not intentional. Hence, he prayed to allow the application.

2. Plaintiff by filing his say has strongly opposed to the application and submitted that, reason stated in the application are not true and correct. The defendant has not filed the documents in support of his illness. Hence, plaintiffs prayed to reject the application.

3. Considering the rival contentions of both the side, so also, I have gone through the record of case in hand, from it appears that, after service of summons on 04.03.2021. Since then the defendant No.2 failed to file his say and written statement. The reason stated in the application is not just and proper. But, the suit is filed for injunction against the defendant and to decide the same on merit, opportunity is required to be given to the defendant No.2. Hence, following order.

**ORDER**

1. Application is allowed
2. Delay caused for filing say and written statement is hereby condoned.
3. Defendant No.2 is permitted to file his say and written statement.

Date : 27.11.2021.

[A. P. Karad.]  
Jt. C.J.J.D. Pandharpur.

## CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer : *Rajiv Malkarjun Gogi.*  
Court : Jt. Civil Judge, J.D. Pandharpur.  
Date of Judgment : 27.10.2021.  
Judgment signed by the  
presiding officer on : 27.10..2021  
Judgment uploaded on : 29.10.2021.